

# Town Board Minutes

**November 17, 2003**

**Meeting No. 38**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of November 2003, at 7:30 PM and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN\*

**ABSENT:** RONALD RUFFINO, COUNCIL MEMBER  
RICHARD ZARBO, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

\* Arrived after roll call, during first action.

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**WESTWOOD PARK WETLAND RESTORATION**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Westwood Park wetland restoration matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION**  
**WESTWOOD PARK WETLAND RESTORATION**  
**NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 0.506 acres.

The location of the premises being reviewed is within Westwood Park, bound by Westwood Road to the north, Erie Street to the south, Schwartz Road to the east and Pavement Road to the west, County of Erie, Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.  
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area

(CEA).

15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will not affect the character of the existing community.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

**SEAL**

Robert H. Giza, Supervisor  
Town of Lancaster

November 17, 2003

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

November 17, 2003



**IN THE MATTER OF THE SEQR REVIEW OF  
CARQUEST DISTRIBUTION CENTER  
EASTPORT COMMERCE CENTER**

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPNIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER MYSZKA, TO WIT:

**WHEREAS, CARQUEST AUTO PARTS**, 2635 E. Millbrook Road, Raleigh, North Carolina 27604 has submitted a Site Plan, dated August 4, 2003 and received August 5, 2003, prepared by Wm. Schutt & Associates, P.C. for the construction of a 129,000 square foot distribution warehouse and office space on approximately 7.4 acres +/- including necessary site drives, utilities and all other necessary appurtenances on property located at the Eastport Commerce Center, on formerly identified building sites C and F, Walden Avenue west of Pavement Road in the Town of Lancaster, said site being part of a greater parcel encompassing 128  $\pm$  acres which was previously the subject of a zoning change and accompanying environmental (SEQR) review, and

**WHEREAS**, the Planning Board reviewed the plan and at its meeting August 20, 2003 recommended approval of this project.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Municipal Review Committee reviewed the Site Plan to determine whether the proposed development is in compliance with the DEIS and Negative Declaration made hereon by the Municipal Review Committee and Town Board with regard to the development of 128  $\pm$  acre parcel which was the subject of a zoning change and environmental (SEQR) review, the specific construction proposed in the site plan herein is for a 129,000 square foot distribution warehouse and office space on approximately 7.4 acres +/- including necessary site drives, utilities and all other necessary appurtenances on property located at the Eastport Commerce Center, on formerly identified building sites C and F, Walden Avenue west of Pavement Road and has determined that the site plan is in compliance with the previous SEQR with the exception of the additional access point to Walden Avenue which must be approved by New York State Department of Transportation or eliminated with the project then utilizing the internal roads servicing Eastport Commerce Center and further the issue of off-site mitigation of the disturbance of a wetland ditch has been addressed by the USACOE with mitigation to take place in Westwood Park by the improvement of a wetland in this Town Park which action was the subject of a separate SEQR review for the impact on Westwood Park on which the MRC issued a Negative Declaration.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

November 17, 2003

File: ispmrccarquesteastportcommerce1103



ADJOURNMENT:

ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND  
SECONDED BY PLANNING BOARD CHAIRMAN KEYSA FOR ADJOURNMENT OF  
THE MEETING, on voice vote, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	WAS ABSENT
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:35 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk